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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/511,776	02/24/2000	Roger K Craig	4256/86197	5653

29933 7590 05/24/2004

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EXAMINER

GABEL, GAILENE

ART UNIT	PAPER NUMBER
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1641

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/511,776	Applicant(s) CRAIG ET AL.
	Examiner Gailene R. Gabel	Art Unit 1641
<i>--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--</i>		
<p>THE REPLY FILED 19 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.</p>		
<u>PERIOD FOR REPLY</u> [check either a) or b)]		
<p>a) <input type="checkbox"/> The period for reply expires _____ months from the mailing date of the final rejection.</p> <p>b) <input checked="" type="checkbox"/> The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.</p> <p>ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).</p>		
<p>Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p>		
<p>1. <input checked="" type="checkbox"/> A Notice of Appeal was filed on <u>25 February 2004</u>. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.</p>		
<p>2. <input checked="" type="checkbox"/> The proposed amendment(s) will not be entered because:</p>		
<p>(a) <input checked="" type="checkbox"/> they raise new issues that would require further consideration and/or search (see NOTE below);</p>		
<p>(b) <input type="checkbox"/> they raise the issue of new matter (see Note below);</p>		
<p>(c) <input checked="" type="checkbox"/> they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</p>		
<p>(d) <input checked="" type="checkbox"/> they present additional claims without canceling a corresponding number of finally rejected claims.</p>		
<p>NOTE: <u>See Continuation Sheet.</u></p>		
<p>3. <input type="checkbox"/> Applicant's reply has overcome the following rejection(s): _____.</p>		
<p>4. <input type="checkbox"/> Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</p>		
<p>5. <input checked="" type="checkbox"/> The a)<input type="checkbox"/> affidavit, b)<input type="checkbox"/> exhibit, or c)<input checked="" type="checkbox"/> request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u></p>		
<p>6. <input type="checkbox"/> The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.</p>		
<p>7. <input checked="" type="checkbox"/> For purposes of Appeal, the proposed amendment(s) a)<input checked="" type="checkbox"/> will not be entered or b)<input type="checkbox"/> will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.</p>		
<p>The status of the claim(s) is (or will be) as follows:</p>		
<p>Claim(s) allowed: <u>1,2,4-8 and 10-14.</u></p>		
<p>Claim(s) objected to: <u>NONE.</u></p>		
<p>Claim(s) rejected: <u>19 and 20.</u></p>		
<p>Claim(s) withdrawn from consideration: <u>15-18.</u></p>		
<p>8. <input type="checkbox"/> The drawing correction filed on _____ is a)a)<input type="checkbox"/> approved or b)<input type="checkbox"/> disapproved by the Examiner.</p>		
<p>9. <input type="checkbox"/> Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.</p>		
<p>10. <input type="checkbox"/> Other: _____</p>		
 CHRISTOPHER L. CHIN PRIMARY EXAMINER GROUP 1800/641		

Continuation of 2. NOTE: Claims 19 and 20 were amended to include that the first binding partner is "a single chain antibody or ScFv" which raises new issues requiring further consideration and search under the provisions of 35 USC 102 or 103. Additionally, new claims 23 and 24 also include new limitations which raise new issues requiring further consideration and search under the provisions of 35 USC 112, 102, and 103.

Continuation of 5. does NOT place the application in condition for allowance because: The new limitations in claims 19 and 20 and new claims 23 and 24 set forth new requirements that have not been previously considered, search, and evaluated for definiteness, scope, novelty or non-obviousness, and patentability.